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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,433	02/06/2001	Joseph E. Kaminkow	29757/P-275	3232

4743 7590 01/03/2002

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EXAMINER

WHITE, CARMEN D

ART UNIT PAPER NUMBER

3713

DATE MAILED: 01/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/777,433

Applicant(s)

KAMINKOW, JOSEPH E.

Examiner

Corbett B. Coburn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*


1. The drawings are objected to because of the reasons outlined in the attached Notice of Draftsperson's Patent Drawing Review. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*


2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 recites the limitation "the input device" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 2 is hereby rejected.

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- ~~4. Claim 2 recites the limitation "the touch sensitive video display screen" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 2 is hereby rejected.~~

5. Claim 58 recites the limitation "the input device" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 58 is hereby rejected.

- 
- ~~6. Claim 58 recites the limitation "the touch sensitive video display screen" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 58 is hereby rejected.~~

### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 4, 6-8, 17-19, 21, 24, 33, 35, 37, 38, 46, 48, 50, 51, 59 & 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itkis (US Patent No. 4,856,787).

**Claims 1, 17, 46, 59, 60:** Itkis discloses an electronic gambling unit for allowing a user to play a video gambling game. Itkis discloses the use of the devices to play video poker, video keno, video blackjack and video bingo (Fig 3). There is a display unit capable of generating color images (9); a currency acceptor capable of allowing the user to deposit a medium of currency (Col 5, 29-32); a pointable, virtual input device – a light pen (Col 4, 63) that would inherently be shaped like a light pen; a controller (10) coupled to the display unit, currency-accepting mechanism, and pointable, virtual input device. (Col 2, 57-62) While not discussed in detail, the controller would inherently be composed of a processor and memory operationally coupled to the processor. The controller is programmed to display a sequence of images (Fig 4) on the display unit after the currency-detecting mechanism has detected the deposit of currency (allowing the user to make a wager) by the player.

The sequence of images represents a video gambling game. (See Fig 4.) For a video poker game, the images displayed are of at least three cards (24). While not shown in Fig 4, for playing video blackjack, the images would inherently be a plurality of playing cards. For video bingo, the image is that of a bingo grid (20). And for video keno, the image is that of a keno grid (27).

As with all video wagering devices of this type, the controller is programmed to determine the outcome of the video gambling game represented by the sequence of images displayed and to determine a payout associated therewith. (Abstract)

Itkis discloses that the controller is programmed to cause the images to be modified in response to the user pointing the virtual object at a portion of the display device. (Col 4, 55-64) Crosshairs (32) are displayed on one of the images on the screen in response to the user pointing the input device at a portion of the display device. This is a virtual indicator that is displayed in response to the user selecting a selectable item.

The controller is programmed to cause a selectable item to be selectable in response to the user pointing the input device at the selectable item on the screen. (Col 4, 55-64) While not discussed in detail, a light pen (Col 4, 63) would inherently include a selector switch.

Itkis does not specifically teach use of the disclosed device to play video slots. Itkis teaches that other games can be played on the disclosed device. (Col 5, 33-37) Video slot machines are extremely well-known in the art and are tremendously popular with casino customers because they are easy to use and understand. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included a video slot machine (with video slot machine images of simulated slot machine reels) in the list of games to select from in order to take advantage of the video slot machine's popularity with casino clients, thus increasing revenues.

**Claims 2, 19 & 33:** Fig 1, 9 discloses a touch screen wherein the input device comprises part of a touch sensitive video display device.

**Claims 4, 21, 35 & 48:** Fig 7, 36 discloses use of an electronic reader that is capable of reading an item having data stored thereon.

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**Claim 6, 23, 37 & 50:** Fig 7, 35 discloses a sound generating circuit coupled to the controller capable of generating sounds related to the video gambling game and at least one speaker positioned to cause the sound to be emitted in response to receiving sound signals from the sound generating circuit.

**Claims 7 & 18:** Fig 4, 32, discloses that the controller is programmed to display crosshairs on one of the images in response to the user pointing the input device at a portion of the display device.

**Claim 8, 24, 38 & 51:** Col 4, 62-64 discloses a light pen input device. This would, by necessity, be shaped like a magic wand.

9. Claims 13-16, 29-31, 43-45 & 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itkis as applied to claims 1, 17, 32 & 46 as appropriate, in view of Yamazaki (US Patent No., 6,251,011) (henceforth Yamazaki '011).

**Claim 13, 29, 43 & 56:** Itkis discloses the invention substantially as claimed. Itkis teaches using a variety of input devices. (Col 2, 60 & Col 4, 62-64) Itkis does not, however, teach use of an input device shaped like a firearm. Yamazaki '011, Fig 1 shows an input device shaped like a firearm (21). There is a portion shaped like a trigger (22).

**Claim 14, 30 & 44:** Yamazaki '011, Fig 5 shows a bullet hole (BK) displayed on a portion of the image in response to the user pulling the trigger while the virtual gun is pointed at the portion of the image.

**Claim 15, 31, 45 & 57:** Yamazaki '011, Fig 5 shows a flying bullet (DG) displayed on a portion of the image in response to the user pulling the trigger while the virtual gun is pointed at the portion of the image.

**Claim 16:** Itkis discloses causing a selectable item (i.e. the target) to be selected in response to the user activating an input device while pointing at a portion of the image. (Col 4, 55-61) While Itkis does not disclose pulling a trigger to activate an input device, pulling a trigger is the inherent method of activating a gun.

**Claim 58:** Itkis, Fig 1, 9 discloses a touch screen and the input device comprises part of a touch sensitive video display screen. (Col 4, 40-46)

**Overall Justification:** Itkis teaches the invention substantially as claimed. Itkis teaches using a variety of input devices. (Col 2, 60 & Col 4, 62-64) Itkis does not, however, teach use of an input device shaped like a firearm. Yamazaki '011, another video game, teaches use of an input device shaped like a firearm. This input device is functionally equivalent to the light pen disclosed by Itkis (Col 4, 62-64).

Casinos have found that players do not perceive a substantial difference between the various embodiments of electronic gaming devices. Therefore, the casinos have sought ways to increase the likelihood that a player will choose a particular machine. One method they have chosen to accomplish this is to adopt a theme for a particular gaming machine. The "western" theme, which includes input devices shaped like guns and the display of bullets and bullet holes on the screen, is a popular motif. Such themes are believed to increase player enjoyment of the gaming device, thus leading to longer use by the player and higher profits for the casino.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have used an input device shaped like a firearm and the display of bullets and bullet holes on the screen, in order to create a theme for the gaming machine, thus

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increasing player enjoyment of the gaming device and leading to longer use by the player and higher profits for the casino.

10. Claims 3, 20 & 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itkis as applied to claims 1, 17 & 46 above, and further in view of Halic (US Patent Number 5,700,195) and Hara et al. (US Patent Number 5,027,415).

Itkis discloses the invention substantially as claimed. Itkis, however, describes accepting coins as wagers. (Col 5, 29-32) Gaming machines that accept different denominations of paper money are extremely well known in the art. Halic provides but one example.

Acceptance of paper currency for wagers instead of or in addition to coins encourages larger wagers and longer play at the gaming machine by the user. This generates higher profits for the casino. It would have been obvious to one of ordinary skill in the art at the time of the invention to accept paper currency for wagers to encourage larger bets and longer play at the gaming machine by the user, this generating higher profits for the casino.

While Halic includes a bill acceptor, it does not go into details about its construction. In order to create a functional device from Halic's disclosure, it would be necessary for a practitioner of the art to look to other art for these details. Hara describes a Bill Discriminating Apparatus that discriminates between various denominations of currency. By using Hara's device, to implement the disclosure of Halic, a person of ordinary skill in the art could create a slot machine that accepted different denominations of paper currency. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used Hara's Bill Discriminating in conjunction with Halic's



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disclosure to create a slot machine that had a bill reader capable of reading a plurality of different denominations of paper money in order to have a working system.

Furthermore, accepting different denominations of paper money would keep the player from having to leave the machine in order to get change. This increases the time spent gambling, thus increasing casino profits.

11. Claims 5, 22, 36 & 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itkis as applied to claims 1, 17, 32 & 46 above in view of Pendergrass, Jr. (US Patent No. 5,565,148).

Itkis discloses the invention substantially as claimed. It does not, however, teach use of coupling a scent dispenser to the controller in order to dispense a scent related to the game. Pendergrass, in invention concerned with heightening the realism of video games, discloses a scent dispenser couple to a video game controller. (Fig 10) Pendergrass teaches that the controller causes scents related to the video game to be dispensed. (Col 3, 9-29) Pendergrass teaches that this heightens the sense of immersion in the game, thus increasing player enjoyment. (Col 2, 20-28)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a scent dispenser coupled to the controller that dispensed scents relating to the game in order to increase the player's sense of immersion in the game and increase the player's enjoyment.

12. Claims 9, 25, 39 & 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itkis as applied to claims 1, 17, 32 & 46 above, in view of DeMar et al. (US Patent Number 6,270,410).

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Itkis teaches the invention substantially as claimed. Itkis teaches the use of a number of different forms for the user input devices. (Col 2, 60 & Col 4, 62-64) Itkis does not, however, teach the use of a virtual remote control shaped like a remote control. DeMar teaches use of a remote control shaped input device for use in conjunction with a gaming machine. (Fig 1) DeMar teaches that with a remote control, the customer can operate two or three machines at once. This enhances the enjoyment of the customer and increases casino profits. (See Abstract.) It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a remote control shaped input device in order to allow the player to operate more than one gaming machine at a time, thus increasing player enjoyment and casino profits.

13. Claims 10,12, 26, 28, 40, 53 & 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itkis as applied to claims 1, 17, 32 & 46 above, in view of Ahdoot (US Patent Number 5,913,727).

**Claim 10, 26, 40 & 53:** Itkis teaches the invention substantially as claimed. Itkis teaches the use of a number of different forms for the user input devices. (Col 2, 60 & Col 4, 62-64) Itkis does not, however, teach the use of a helmet as an input device. Ahdoot, another video game system, discloses such an input device (60).

**Claim 12, 28, 42 & 55:** Itkis teaches the invention substantially as claimed. Itkis teaches the use of a number of different forms for the user input devices. (Col 2, 60 & Col 4, 62-64) Itkis does not, however, teach the use of gloves as an input device. Ahdoot, another video game system, discloses such an input device (30).

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**Overall Motivation:** Casinos have found that people perceive that there is very little difference in the various slot machines and video poker games, etc., offered by the casino. Therefore, the entertainment value of the game is often the deciding factor in the player's game choice. Ahdoot teaches that use of input devices such as helmets and gloves allow the player to get a sense of interacting with the game. (Col 1, 10-18) This increases the entertainment value of the game. It would have been obvious to one of ordinary skill in the art at the time of the invention to use helmets and gloves as input mechanisms in order to increase the player's sense of interaction with the game and thus increase the game's entertainment value.

14. Claims 11, 27, 41 & 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itkis as applied to claims 1, 17, 32 & 46 above, in view of Yamazaki et al. (US Patent Number 5,800,265) (henceforth, Yamazaki '265).

Itkis teaches the invention substantially as claimed. Itkis teaches the use of a number of different forms for the user input devices. (Col 2, 60 & Col 4, 62-64) Itkis does not, however, teach the use of goggles as an input device. Yamazaki '265, an analogous device, discloses such an input device (16).

Yamazaki '265 teaches that use of goggles (16) allows the design of a game that is not boring even after extended play. (Abstract) Casinos are very anxious to keep players gambling for extended periods. This increases profits. It would have been obvious to one of ordinary skill in the art at the time of the invention to use goggles as an input device in order to design games that are not boring even after an extended period of play in order to increase the length of time players play the game, thus increasing profits.

*Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These are other game devices.

Reference Name	US Patent Number
Schulze et al.	5,413,357
Bromley	4,185,825
Cohen	6,025,830
Yoseloff et al.	6,311,976
Franchi	5,770,533
Reider	6,017,272
Marnell, II	5,393,057
Bruner, Jr.	4,799,683

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319.

The examiner can normally be reached on 8-4:30, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

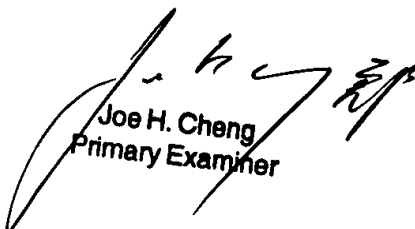
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cbc

December 27, 2001

  
Joe H. Cheng  
Primary Examiner